

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16391** of Herbert James Sanborn, pursuant to 11 DCMR 3107.2, for a variance from Subsections 2300.3 and 2001.2 for the replacement of an existing accessory garage with an artist studio for property located in an R-3 District at premises 1679 35<sup>th</sup> Street, N.W. (Square 1294, Lot 805).

**HEARING DATE:** November 18, 1998

**DECISION DATE:** November 18, 1998 (Bench Decision)

**SUMMARY ORDER**

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2E and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to this application, filed a written report in support of the application.

As directed by 11 DCMR 3324.2, the Board required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2300.3 and 2001.2. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE: 4-0** (Herbert M. Franklin, Sheila Cross Reid, Betty King and Jerry H. Gilreath to grant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

ATTESTED BY: *Tracy W. Rose*  
for **SHERI M. PRUITT-WILLIAMS**  
Interim Director

**FINAL DATE OF ORDER:** DEC - 1 1998

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

11.19.98/BAB

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
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**BZA APPLICATION NO. 16391**

As Interim Director of the Office of Zoning, I hereby certify and attest that on DEC - 1 1997 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Herbert James Sanborn  
1679 35<sup>th</sup> Street, N.W.  
Washington, D.C. 20007

Suzane Reatig, AIA  
4222 Knowles Avenue  
Kensington, MD 20895

Jonda McFarlane, Chairperson  
Advisory Neighborhood Commission 2E  
3265 S Street, N.W.  
Washington, D.C. 20007

ATTESTED BY: Tracy W. Rose  
for **SHERIDAN PRUITT-WILLIAMS**  
Interim Director

DATE: DEC - 1 1997